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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,194	06/04/2001	Donald K. Wadley	10004414-1	5621

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EXAMINER

KLIMACH, PAULA W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,194

Applicant(s)

WADLEY, DONALD K.

Examiner

Paula W. Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 08/09/05. The amendment filed on 08/09/05 have been entered and made of record. Therefore, presently pending claims are 1-3, 5-12, 14-20, 22-31, and 33-35.

Response to Arguments

Applicant's arguments filed 08/09/05 have been fully considered but they are not persuasive because of following reasons.

Applicant argued that the office has used hindsight reconstruction in arguing that Ota could be modified by Evans so that information could be gathered to charge for services or maintain a record of print jobs performed. This is not found persuasive. Although the applicant argues that Ota does not disclose a desire to charge users for printing or to maintain a record of print jobs, Ota does disclose access control of the printing operation (abstract). Evans discloses further the access control that includes quantifying the printing and print media costs (page 1 paragraph 0003). Therefore the motivation to quantify the printing for cost evaluation purposes is provided by the Evans reference.

The examiner asserts that Evans and Ota do teach or suggest the subject matter broadly recited in independent Claims 1, 12, 19, 27, and 28. Dependent Claims 2-3, 5-11, 14-18, 20, 22-26, 29-31, 33, and 35 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action. Accordingly, rejections for claims 1-3, 5-12, 14-20, 22-31, and 33-35 are respectfully maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al. (6,163,383) in view of Evans (20020113995 A1).

In reference to claims 1 and 12, Ota discloses a printing process and system that comprises a printer configured to print upon print media (column 4 lines 36-38); and a print server associated with the printer and configured to monitor one or more variables or parameters associated with the security of the printer (column 4 lines 39-43).

Although Ota discloses a server system that monitors the jobs received from the client to verify the user information, Ota does not teach that the server is a printer monitor wherein at least one of the variables or parameters is associated with I/O activities of data that is to be or has been printed on the printer.

Evans discloses print job that are to be printed on printer 14, wherein printer monitor 12 monitors the IO of print jobs detected and records them in database 26 (Fig. 1). The applicant does not disclose the definition of a printer monitor; therefore a printer monitor is a device that monitors (oversees) the jobs that are printed by the printer; therefore printer monitor in Evans is Fig. 1 part 12.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the monitor as in Evans in the system of Ota. One of ordinary skill in the art would have been motivated to do this because the information gathered can be used to charge for services or to maintain a record of the print jobs performed (Evans page 1 paragraph 0003).

Claims 2-11 and 13-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Evans and further in view of Hines (2002/0031225 A1)

In reference to claim 19, Ota discloses a printing process and system that comprises a printer server one or more variables or parameters associated with the security of a printer (column 4 lines 39-43).

Although Ota discloses a server system that monitors the jobs received from the client to verify the user information, Ota does not teach that the server is a client monitor.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the server as a monitor for security information. One of ordinary skill in the art would have been motivated to do this because all the client computers must use the server to print and send the user information to the job controlling unit and their performs the function of a monitoring system.

Although Ota discloses a server system that monitors the jobs received from the client to verify the user information, Ota does not teach that the server is a printer monitor wherein at least one of the variables or parameters is associated with I/O activities of data that is to be or has been printed on the printer.

Evans discloses print job that are to be printed on printer 14, wherein printer monitor 12 monitors the IO of print jobs detected and records them in database 26 (Fig. 1). The applicant does not disclose the definition of a printer monitor; therefore a printer monitor is a device that monitors (oversees) the jobs that are printed by the printer; therefore printer monitor in Evans is Fig. 1 part 12.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the monitor as in Evans in the system of Ota. One of ordinary skill in the art would have been motivated to do this because the information gathered can be used to charge for services or to maintain a record of the print jobs performed.

Although Ota discloses user verification, and therefore determining if the user access is allowed (Fig. 8), Ota does not disclose generating a notification if it appears likely that there has been a security breach after the user verification.

Hines discloses a system for providing and authenticating a personal identification (abstract). Hines further discloses generating a notification if it appears likely that there has been a security breach (page 3 paragraph 0029).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to notify personnel when there is a security breach as in the system of Hines if the user verification fails in the system of Ota. One of ordinary skill in the art would have been motivated to do this because this would allow for appropriate action to be taken.

In reference to claims 2 and 31, Although Ota discloses user verification, and therefore determining if the user access is allowed (Fig. 8), Ota does not disclose generating a notification if it appears likely that there has been a security breach after the user verification.

Hines discloses a system for providing and authenticating a personal identification (abstract). Hines further discloses generating a notification if it appears likely that there has been a security breach (page 3 paragraph 0029).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to notify personnel if the user verification fails. One of ordinary skill in the art would have been motivated to do this because this would allow for appropriate action to be taken.

In reference to claims 27 and 28, Ota discloses a printing process and system providing multiple printers in an organization (Fig. 2); linking the printers together via an organization network (Fig. 2); monitoring activities of the multiple printers; determining whether one or more printer activities meets one or more usage profiles associated with each of the printers, the usage profiles being associated with the security of each associated printer;

Hines discloses a system for providing and authenticating a personal identification (abstract). Hines further discloses generating a notification if it appears likely that there has been a security breach (page 3 paragraph 0029).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to notify personnel if the user verification fails. One of ordinary skill in the art would have been motivated to do this because this would allow for appropriate action to be taken.

In reference to claims 3, 16, and 20, wherein the one or more variables or parameters are associated with the security of documents that are printed on the printer (column 5 lines 29-38).

In reference to claims 4, 13, 21, and 33, wherein the one or more variables or parameters are associated with I/O activities (column 4 lines 39-47).

In reference to claims 5, 14, and 22, wherein the one or more variables or parameters are associated with memory usage activities (part 15 Fig. 2).

In reference to claims 6-7, 23-24, and 34, wherein the one or more variables or parameters are associated with data ratios pertaining to an amount of data transmitted by the printer versus an amount of data received by the printer.

Although Ota discloses a system wherein a printer server controls the print job undertaken by the networked printers, Ota does not expressly disclose parameters associated with data ratios.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use ratios pertaining to an amount of data transmitted by the printer versus an amount of data received by the printer. One of ordinary skill in the art would have been motivated to do this because this would prevent all the data being sent to one printer.

In reference to claims 8, 18, 26, and 30 wherein the printer monitor is external to the printer (Fig. 2).

In reference to claims 9, 17, 25, and 29, wherein the printer monitor is internal to the printer.

Ota does not disclose a monitor that is internal to the printer, however at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to run the server in the printer. One of ordinary skill in the art would have been motivated to do this because a server is software that can run on a device with a processor.

In reference to claim 10, wherein the printer monitor comprises an applet running in the printer's runtime environment.

Ota does not disclose a system wherein the printer monitor comprises an applet running in the printer's runtime environment.

However at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to produce the server software in Java and run it as an applet in the printer's runtime environment. One of ordinary skill in the art would have been motivated to do this because applets can be ported easily to many environments.

In reference to claims 11 and 32, wherein the printer monitor is configured to monitor multiple different applications on the printer (Fig. 2).

In reference to claim 15, wherein the one or more usage profiles are associated with the security of the printer (column 3 lines 40-67).

In reference to claim 35 further comprising a network linking the printers together (Fig. 2).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

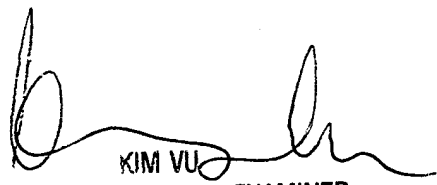
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Thursday, October 20, 2005


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